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SUBJECT: PORTUGAL: 2006 TRAFFICKING IN PERSONS (TIP) REPORT

REF: SECSTATE 202745

(SBU) Summary: The Portuguese government has moved energetically to implement a national plan of action (CAIM) developed in 2005, which brings together government agencies and NGOs in a comprehensive effort to monitor trafficking, provide assistance to victims, bring traffickers to justice, and raise awareness in the general population. A multi-agency center comprising 12 full-time employees was established during the reporting period to gather trafficking-related data and shape the government's policy responses. The Monitoring Center designed a comprehensive website, which came on line in March, that includes the latest trafficking-related news, general resources available to trafficking victims, and relevant national and international legislation, and will provide national trafficking-related data to a controlled group of clients. Portugal opened the first government-funded and operated assistance center for trafficking victims, and it passed a new immigration law that facilitates issuance of residency permits to former trafficking victims. In a positive trend, the numbers of people trafficked for labor exploitation decreased, due to a combination of better enforcement and a weak economy.

Embassy Lisbon's point of contact on trafficking is Ausenda Vieira, Head of the Monitoring Center for Trafficking in Persons, under the Ministry of the Interior, tel: 351-21-323-6428 (direct) or 351-21-323-6409/10/11 (switchboard), fax: 351-21-323-6425. The Embassy's Political-Economic Assistant spent over 70 hours researching and meeting with Embassy contacts in preparation of this TIP report cable. The Political-Economic Counselor dedicated approximately 10 hours to this report.

Embassy Lisbon's report follows, keyed to the checklist in paragraphs 27-30 of the tasking message.

CHECKLIST

127. Overview of a country's activities to eliminate trafficking in persons:

-- A. Is the country a country of origin, transit, or destination for internationally trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Portugal is a country of origin, transit, and destination for international trafficked men, women, and children. The trafficking occurs across a mostly unsupervised border with Spain and also within Portugal. It does not occur in territory outside the government's control. A full-time body run by the Ministry of the Interior (with assistance from other government agencies and NGOs) to monitor and gather statistics/data on trafficking-related developments began full-time operation in January 2007. The trafficking data are being collected in a central database using input from the various entities which track trafficking cases, including police, security sources, and NGOs.

Men: There are no reliable available data on trafficking of men for forced labor;

Women: According to the 2004 ACIME report "Migrant Trafficking", backed by non-government sources, approximately 5,000 women, 80% of which Brazilian, are victims of trafficking for sexual exploitation annually;

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Children: Neither government authorities nor NGOs have direct knowledge of trafficking of children but estimate that there are between 50-100 Roma minors, brought to Portugal by family networks, used as street beggars.

The principal sources of information on trafficking in persons are the following:

- ¶1. The Monitoring Center for Trafficking in Persons;
- ¶2. The Portuguese Immigration Service (SEF);
- ¶3. The High Commission for Immigration and Ethnic Minorities (ACIME);
- ¶4. The Portuguese Association for Victim Support (APAV);
- ¶5. The International Organization for Migration (IOM);
- ¶6. The Commission for the Equality and Rights of Women (CIDM);
- ¶7. The Ministry of Justice;
- ¶8. The Association for Family Planning (APF).

These sources are reliable; however, because there had been, until recently, a lack of coordination between the various government organizations and NGOs, available data are limited. With the national monitoring center up and running, new reliable procedures have been implemented to facilitate the gathering of comprehensive trafficking data. All police who handle a possible trafficking case are now required to fill out a standard detailed form with information about the case, and to submit it to the monitoring center. This form is carefully analyzed by the center's work group, made up of multi-agency staff, who decide whether or not the case is, indeed, trafficking. If so, it is recorded in the database and cross-referenced with other cases. All government officials involved in each trafficking case will have access to this confidential form.

Reliable information on trafficking can also be found in CAIM's new web page (www.caim.com.pt). This comprehensive site became available in February 2007 and provides a wealth of information, including CAIM's objectives, national/international partnerships and legislation, links to government and NGO organizations for assistance to victims, information guides for victims, media coverage of trafficking cases, national and international trafficking reports. It will soon show details of trafficking cases in Portugal, including numbers of investigations, prosecutions, and convictions. Access to sensitive data will be closely controlled.

Persons more at risk of being trafficked are women, for sexual exploitation, but there were reports of men being trafficked for forced labor.

¶B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

There have been no changes in direction of trafficking victims. The persons trafficked are mainly from Brazil (women for sexual exploitation) and, to a lesser extent, from Eastern Europe (Ukraine, Moldova, Russia, Romania) and from African countries (Nigeria and Lusophone countries). Some trafficking victims are transited through Portugal en route to other European countries.

Portugal is not a significant country of origin.

Since its election in March 2005, the Socialist government has moved energetically to address trafficking. In December 2005, it launched a pilot project (CIM - Cooperation, Action, Investigation and World Vision) to combat the trafficking of women for sexual exploitation in Portugal. Task forces from the Ministries of Justice and Interior, the

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Commission for the Equality and Rights of Women (CIDM), the High Commission for Immigration and Minorities (ACIME), the International Organization for Migration (IOM), various NGOs, and police and security forces collaborated in designing the CAIM project and work together on a regular basis to carry out its objectives. One of the project's main goals) to

establish a full-time body in the Ministry of Interior to monitor trafficking-related developments through the creation of a database with comprehensive statistics) was implemented in January 2007. This monitoring center has also created a registry for filing legal complaints (See paragraph 27A) with security forces and has opened the first government-financed safe-house specifically for trafficking victims.

Trafficking for labor exploitation is currently not covered in the Penal Code. The current Penal Code criminalizes trafficking for sexual exploitation purposes only when the crime occurs "in a foreign country". Trafficking for sexual exploitation in Portuguese territory is not contemplated by the law. Proposals for the revision of the Portuguese Penal Code, submitted to Parliament in February 2007, will broaden the definition of trafficking and will include tougher penalties for trafficking crimes (see paragraph 29A). This will be the first time trafficking inside the country - both for labor and for sexual exploitation purposes - is explicitly defined as a crime punishable under the Penal Code; presently, it is dealt with indirectly, under a number of different penal provisions. Passage of the Penal Code reforms is a virtual certainty since the Socialists submitted the bills and control an absolute majority of parliamentary seats. When approved by Parliament) predicted for April 2007) these new provisions will go into effect by the end of 2007.

Women trafficked for sexual exploitation are harbored in rooms/apartments in or near brothels or clubs. Upon arrival, their passports are withheld and they are turned over to a brothel or club operator. Many, especially Brazilian women, have initially consented to prostitution activities but may later be subjected to violence and threats. Trafficked men are housed in similar conditions, usually close to construction sites where they work. They have usually consented to the labor activity but are sometimes victims of violence, threats, fraud, coercion, peonage, and debt bondage. Police and NGOs have reported that Romanian (mostly Roma) children, brought to Portugal by family networks, are sometimes forced to beg on street corners.

Trafficking victims are not normally kept locked up. Reports from victims who have escaped describe limited freedom of movement, such as accompanied shopping trips. Victims are often offered lucrative jobs and are usually approached by friends of friends.

C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The government's ability to address this problem in practice is limited by serious financial constraints, the consequence of the implementation of necessary budget austerity measures. Nonetheless, given the importance placed by the current government on combating trafficking, funds have been made available for the new CAIM project, which includes police training and subsidies to NGOs that shelter and assist victims, and for the establishment of the Monitoring Center for Trafficking. ACIME depends on government funds but has limited resources.

Overall corruption is not a problem.

The government has limited resources to aid victims. It places victims in its recently opened government-funded safe-house for trafficking victims (See paragraph 30A), and continues to refer victims to NGOs, for both protection and assistance. One of these NGOs, APAV, has a funding agreement with the government, receiving public subsidies covering 80%

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of its expenses (See paragraph 30A).

D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

Before the opening of the Monitoring Center for Trafficking Victims, in January 2007, there was minimal monitoring of anti-trafficking efforts, mainly due to lack of coordination among police, government entities, and NGOs. Annual statistical summaries provided by the GOP were for classes of crimes that included trafficking but did not isolate TIP in its own statistical category. Information gathering was mainly the responsibility of the government's High Commission on Immigration and Ethnic Minorities (ACIME), the chief organization that coordinated assistance to trafficking victims and immigrants.

With the new Monitoring Center in operation, there is now an official government entity specifically charged with gathering and processing trafficking data. The center is

further tasked with sharing the information it acquires with appropriate authorities such as the security forces, health care professionals, and the justice system, and with preparing awareness campaigns for the public in general. As an integral part of the CAIM project, the center collaborates with its CAIM partners in devising the GOP's trafficking policy responses. It also plays a key role in fostering collaborative anti-trafficking efforts with other governments.

28. PREVENTION:

-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

Yes.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

- ¶1. The Monitoring Center for Trafficking in Persons, Ministry of the Interior (has the lead);
- ¶2. The Commission for the Equality and Rights of Women (CIDM), under the Ministry for the Presidency of the Council of Ministers;
- ¶3. The Ministry of Justice;
- ¶4. The Portuguese Immigration Service (SEF);
- ¶5. The High Commission for Immigration and Ethnic Minorities (ACIME);
- ¶6. The Republican National Guard (GNR);
- ¶7. The Judicial Police (PJ);
- ¶8. The Public Security Police (PSP)

¶C. Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

Yes, the government sponsored the following anti-trafficking information and education campaigns:

¶1. State-owned RTP television broadcasts a daily program "Nos" ("We") on immigration, covering a wide spectrum of immigrant-related issues including human trafficking. It aims to raise awareness and increase prevention of human trafficking and sexual exploitation among immigrants in Portugal.

¶2. On May 11, 12 and 13, 2006, the government's Plan for the Elimination of Exploitation of Child Labor (PETI), in collaboration with the ILO and the Community of Portuguese Language Countries (CPLP), organized a conference on child labor. Participants included delegations headed by the labor ministers of each of the eight CPLP member countries

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(Portugal, Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Sao Tome e Principe, and East Timor). The goal of the conference was to actively commit these participating governments to the prevention and elimination of the worst forms of child labor/trafficking in Portuguese-speaking countries. The labor ministers signed a mutual agreement and drew up a joint action plan to combat child labor.

¶3. On May 22-24, 2006, in Cascais, the governments of Portugal and Brazil organized the "First Luso-Brazilian Seminar on Trafficking in Persons and Illegal Migration." Among the high-level government speakers from both countries were Portuguese Interior Minister Antonio Costa and Brazilian Justice Minister Marcio Thomaz Bastos. The seminar provided an opportunity for government officials of both countries to exchange information on trafficking cases across the Atlantic and to strengthen bilateral cooperation.

¶4. On June 29 & 30, 2006, in Lisbon, the Labor Ministry organized the conference "Action against Labor Trafficking and Exploitation of European Migrants", sponsored by the ILO's International Center for Migration Policy Development (ICMP). The goal was to share good practices in combating and preventing labor trafficking in Europe. It also sought to increase cooperation among European countries of origin, transit, and destination, such as Germany, Moldova, Poland, Romania, Ukraine, UK, and Portugal through improved monitoring measures and information-sharing. Participants included high-level government representatives, security forces, labor unions, employers' organizations, NGOs, and labor and migration experts.

¶5. In June 2006, state-owned RTP 2: television channel aired the documentary series "Sex Traffic" about two Moldovan sisters who move to London in search of employment and are sold to traffickers for sexual exploitation in various Balkan countries.

¶6. On October 9, 2006, the Portuguese Youth Institute sponsored an international conference in Lisbon entitled "Towards a Europe without Borders", on human trafficking in Portugal. The conference was attended, among others, by

human rights organizations, NGOs, and university professors and students.

¶7. In October 2006, the movie "Transe" ("Trance"), by renowned national director Teresa Villaverde, was released in theaters throughout the country. The movie focuses on a young girl from St. Petersburg who decides to seek a better life in Western Europe but is kidnapped and sold into sexual slavery. The film, as well as main actress Ana Moreira, was critically acclaimed in the Cannes Film Festival. One critic labeled it "hard to watch, but important to see."

¶8. On November 20 and 21, 2006, Portugal's chapter of the International Organization for Migration (IOM) organized in Lisbon an "International Seminar on Trafficking and Sexual Exploitation." The seminar included high-level government speakers such as the Minister for the Presidency of the Council of Ministers, the deputy ministers for Interior, Justice and the Council of Ministers, and former EU Commissioner for Justice and Home Affairs Antonio Vitorino. Among the international speakers were Franco Frattini, Vice President of the European Commission responsible for freedom, security, and justice issues, and representatives of EU member-states including Italy, Norway, and Sweden. Dr. Eleanor Gaetan, State's Senior Coordinator for Public Outreach in the Office to Monitor and Combat Trafficking in Persons was also a guest speaker. Her presentation on "Anti-Slavery's Essential Ally) Media Leadership in Documenting the Unthinkable" focused on the media's role in combating trafficking.

¶9. The government, through ACIME, continues to target information campaigns toward immigrant populations in Portugal and in source countries vulnerable to exploitation and trafficking in Portugal. It broadcasts a weekly television program informing immigrants of their rights, duties, and legal protections. It also continues to educate Portuguese employment firms about penalties stipulated in the

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2003 immigration law.

¶10. RTP broadcasts, on a regular basis, public service ads warning against trafficking. These ads are sponsored by the government (ACIME), media (Diario de Noticias daily newspaper, TSF radio station, LusoMundo media group), and NGOs (IOM and APAV).

All of these events/campaigns include and target potential trafficking victims and consumers (e.g. "clients" of prostitutes or beneficiaries of forced labor).

Furthermore, Portuguese media coverage of the ongoing trial of the Casa Pia orphanage child-abuse case has significantly elevated awareness of the TIP problem in Portugal and constitutes a compelling public awareness campaign. A reflection of growing awareness is the fact that reports to police of sexual crimes against minors tripled from 364 in 2002 to 1075 in 2004 (latest statistics). Although the overwhelming majority of cases occurs within the family unit and is not considered trafficking, the attention focused on Casa Pia has raised awareness of TIP-related sexual exploitation as well.

¶D. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

Yes, the government is strongly committed to children's rights and welfare; it continues to amply fund systems of public education and medical care. It provides 9 years of compulsory, free, and universal education for children through the age of 15. The Institute for Solidarity and Social Security, responsible for implementation of the Government's programs for children, promotes a program to coordinate assistance to children of immigrant families and a program to support early childhood. The Government provides preschool education for children starting at age 4 and free/low cost health care for all children until the age of ¶15.

The Parliament approved the Equal Opportunity Law in March 2006, and it took effect in August 2006, ensuring women equal access to political office. The law requires that at least 33% of a party's candidates in national legislative, European Parliament, and local government elections be women.

¶E. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

They act in concert to address trafficking, referring cases to one another as required. Some NGOs, such as the IOM, APAV, APF, Irmas Adoradoras and Irmas Oblatas, have signed MOUs with the government to track, assist, and reintegrate trafficking victims. These NGOs, and others, are involved in the CAIM project through assistance to and professional training and reintegration of victims. Through CAIM, NGO staff receives training on dealing with trafficking victims.

¶F. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

Law enforcement agencies respond, within their limited means, to cases brought to their attention. They do minimal monitoring of the long border with Spain, and are not required to do more than this according to the terms of the EU's Schengen agreement.

However, according to a government survey of deported women and women not allowed to leave the country, carried out in the Brazilian airport of Sao Paulo, Portugal tops the list of countries that most effectively bars Brazilian women from entering the country. Twenty-five percent of these women admitted they planned to work as prostitutes in the country of destination.

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¶G. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

With the establishment of the Monitoring Center, the single point of contact for trafficking-related matters, there is now a central body for coordinating and communicating between the various government agencies and NGOs. This larger, more wide-ranging multi-agency working group has taken over for the government-commissioned trafficking in persons task force established in January 2005 and led by the GNR. It is responsible for coordinating all anti-trafficking operations and communicating between government and international organizations and NGOs. (See paragraph 27D)

The government does not have a public corruption task force.

¶H. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

The official national plan of action to address trafficking in persons is scheduled for a final vote by Parliament on March 8, 2007 and will go into effect in July 2007. The national plan is the culmination of the work carried out during the past two years by the CAIM project, in a close collaboration between government agencies and NGOs. The institutions involved in developing the national plan were:

- ¶1.** The Presidency of the Council of Ministers;
- ¶2.** The Commission for the Equality and Rights of Women (CIDM);
- ¶3.** The Ministry of the Interior;
- ¶4.** The Ministry of Justice;
- ¶5.** The High Commission for Immigration and Ethnic Minorities (ACIME);
- ¶6.** The Association for Family Planning (AFP);
- ¶7.** The International Organization for Migration (IOM)

CAIM regularly consults and exchanges information with the Border Service (SEF), the three police entities (GNR, PJ, and PSP), and NGOs. It has also established transnational partnerships with Italy, Lithuania, Poland, Germany, and Estonia, which include the exchange of trafficking information with security forces in these partner countries.

¶29. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Does the country have a law specifically prohibiting trafficking in persons--both for sexual and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt).

Portugal has laws specifically prohibiting trafficking in persons for sexual exploitation purposes outside of the country. The laws are articles 169 (covering external/transnational forms of trafficking) and 170

(internal forms of trafficking) of the Portuguese Penal Code. Article 176, paragraph 2 also criminalizes the trafficking

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of children under 16 years of age for the purpose of sexual exploitation.

Trafficking for labor exploitation is currently not covered in the Penal Code. The law currently pending before Parliament will change the Penal Code to define labor trafficking as a crime and will impose penalties for this crime for the first time.

Furthermore, the new Immigration Law was debated and approved in Parliament in December 2006. This new national plan to better integrate immigrants into Portuguese society includes automatic residency permits for immigrant victims of labor and sexual trafficking who agree to cooperate with authorities to bring traffickers to justice. Also, the new law increases fines for employers of trafficking victims.

The Mission Unit for Penal Reform (UMRP) is a structure of the Justice Ministry whose goal is to elaborate, support, and develop proposals for penal legislation reforms. The UMRP presented to the GOP, in March 2006, proposals to add or amend trafficking legislation. The reforms began to be debated in Parliament in February 2007 and are expected to be approved within the next few weeks.

1B. What are the penalties for trafficking people for sexual exploitation?

The penalty for traffickers of people for sexual exploitation in a foreign country is 2 to 8 years imprisonment. By citing the violation of multiple provisions, judges may, and have, handed down longer sentences.

The law currently pending before Parliament will increase these penalties to up to 12 years imprisonment. It will further define as crimes activities which, until now, have gone undefined and thus not subject to specific penalties such as:

- trafficking which occurs inside the country;
- purchase and sale of children for adoption purposes;
- organ trafficking;
- confiscation and destruction of victims' documents;

Furthermore, clients of trafficking victims, who are aware of the trafficking status, will be subject to penalties of one to five years imprisonment.

1C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being exploited in the destination country? For employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses?

Labor trafficking is currently not covered in the Penal Code. The law pending before Parliament will change the Penal Code to define labor trafficking as a crime and will impose penalties for this crime for the first time) 2 to 8 years for traffickers of adult victims and 3 to 12 years if victim is a minor.

Currently, by citing other labor-related crimes, trafficking offenders may receive sentences of between 1 and 4 years (for traffickers working alone), 1 and 6 years (for those who organize trafficking rings), and 2 and 8 years (for heads of trafficking rings). Again, by citing the violation of multiple provisions, judges may, and have handed down longer sentences.

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1D. What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed and imposed penalties for crimes of trafficking for commercial sexual exploitation?

The Portuguese Penal Code stipulates penalties of 3 to 10 years imprisonment for rape or forcible sexual assault.

1E. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized?

Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Prostitution is legal. The activities of the prostitute and the client are not criminalized. The activities of the brothel owner/operator or any third person who derives profit from the sex trade are criminalized. The laws are enforced. The legal minimum age for prostitution is 18.

IF. Has the government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced: if not, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

The Portuguese government investigates and prosecutes numerous cases of trafficking-related offenses. The Ministry of Justice registers (pending) investigations and (pending) prosecutions during 2006, involving trafficking-related offenses such as extortion, recruiting under false pretenses, document fraud, aiding and abetting illegal immigration. Sentences received ranged from 18 months to 15 years in prison, with many sentences reaching 11 to 15 years.

IG. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

Traffickers are mainly organized Eastern European crime groups with a small percentage of freelance domestic operators. However, our sources at SEF informed us that there has been a substantial decrease in cases of trafficking for labor exploitation from Eastern Europe, namely from the Ukraine. This is due to Portugal's continuing economic recession, which makes the country less attractive to trafficking rings, and to an increasingly effective police response. We have seen no evidence of employment, travel, tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals. Government officials are not involved in trafficking. There are no reports of where profits from trafficking are being channeled.

IH. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking

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cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

Yes, the government, through SEF and the police agencies, actively investigates cases of trafficking, and uses active investigative techniques such as electronic surveillance and undercover operations, in trafficking in persons investigations. Neither the criminal code nor other laws prohibit the police from engaging in covert operations.

II. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

SEF officials and interns, as well as the police, receive periodic specialized training in how to recognize, investigate, and prosecute instances of trafficking. Since 2005, SEF's training of its incoming inspector class (approximately 300 annually) includes a specific module in TIP enforcement. Since then, SEF has been using the documentary "Lilya 4Ever", a film focusing on a trafficking victim, in its training classes. Trainees are also prepared to handle victims of trafficking, as distinct from illegal immigrants and criminals.

As a result of training and awareness programs, the three national police forces, GNR, PSP, and PJ, have collaborated more closely with each other and with SEF authorities in combating trafficking crimes. There is increasing coordination among these entities in targeted police checks and smart raids in brothels, bars, and strip clubs. These raids now involve extensive planning and information gathering by law enforcement officers working undercover and through strategically-recruited informants. Carefully planned to ensure the safety of all involved and with post-rescue care arranged for trafficking victims, these raids free victims while minimizing harm to others.

Furthermore, the activities of trafficking rings have fallen due to this increasingly effective police response. As a result, various trafficking rings were dismantled, tried, and received heavy sentences. A couple of examples, according to press reports in 2006:

¶1. Bar owner Alfredo Palas, 60, was convicted to a nine-year prison term for sexual trafficking-related crimes - pimping, aiding illegal immigration, kidnapping, and illegal possession of weapons. Palas recruited Brazilian women to work as prostitutes in two bars in northern Portugal, smuggling them into the country through Spain and Paris.

¶2. Vaz Jesus was convicted to a prison sentence of 21 years for trafficking-related crimes, including pimping, drug trafficking, and two counts of attempted murder. Fifteen other suspects were also convicted in this case.

Criminal procedures will begin in March 2007 involving the high-profile case of a dismantled ring accused of trafficking women for sexual exploitation in a chain of bars called Passarelle. The owner of these bars, Vitor Trindade, was arrested and is awaiting trial. The case involves 1,200 crimes, 24 suspects, 26 illegal immigrant women, connections to seven districts in Portugal, 252 people contacted by investigators, and 100 telecommunication devices apprehended.

¶J. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

Yes, the government cooperates with other European governments and non-European countries in the investigation and prosecution of trafficking cases. Portugal substantially improved prevention, monitoring, and trafficking control

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efforts in multilateral fora. The government placed immigration liaison officers in source countries. SEF and the PJ have developed strong working relations with international TIP working groups. They share and receive information through the EUROPOL organized crime database that the GOP co-developed with Spain, Italy, and Germany. SEF also has bilateral relations with Germany's BKA and with Spain's Immigration Service, and has established a direct working relationship with Ukrainian authorities.

During the Luso-Spanish summit on Nov. 18-19, 2005, Portugal and Spain signed a police cooperation agreement. The agreement includes a goal to monitor more closely the external EU borders controlled by the two countries, that is, the southern Mediterranean flanks and the Atlantic coast and high seas. It also includes the strengthening of a rapid alert system, already in force, and the setting up of joint police teams to crack down on the mafias which traffic immigrants.

Post was unable to gather the number of cooperative international investigations on trafficking.

¶K. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, is the government doing to modify its laws to permit the extradition of its own nationals?

We have no knowledge of any case where the Government of Portugal extradited anyone for trafficking offenses. Portugal is a signatory of the US-EU MLAT and Extradition Treaty and signed the bilateral implementing protocols with the United States in 2005. The Portuguese Constitution prohibits the extradition of Portuguese nationals, and we are not aware of any intention to change that law in the case of traffickers.

¶L. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of government involvement in or tolerance of trafficking, neither on a local or institutional level.

¶M. If government officials are involved in trafficking, what

steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What sentence(s) was imposed? Please provide specific numbers, if available.

N/A

¶N. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s)?

Portugal does not have an identified child sex tourism problem. However, in October 2004 Portuguese courts began hearing evidence gathered over the previous year by public prosecutors in the high-profile "Casa Pia" case. The trial includes well-known defendants from the media and government and has had the effect of raising the public's consciousness as to the evils associated with pedophilia. The Casa Pia trial was ongoing as this report was being prepared.

¶O. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

The government has approved, signed, ratified, and taken

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steps to implement the following international instruments:

-- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor. Ratified June 1, 2000;
-- ILO Convention 29 and 105 on forced or compulsory labor: ILO Convention 29 was ratified June 16, 1956; ILO Convention 105 was ratified June 13, 1959;
-- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography. Ratified March 5, 2003;
-- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. Ratified April 2, 2004.

Furthermore, on September 7, 2004 the governments of Portugal and Morocco signed an agreement on cooperation in border and migration flow control, in an effort to control illegal immigration, which includes a provision to combat the criminal element in trafficking in migrants.

¶30. PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? Does the country have facilities dedicated to helping victims of trafficking? If so, can post provide the number of victims placed in these care facilities?

Government-assisted victims are provided shelter, employment, education, and access to legal, medical, psychological, and family reunification services. A large percentage is provided legalization of residency status; some are repatriated.

Victims are referred to various shelters throughout the country by security forces, health care providers, and NGOs. They may be housed in the government's new safe-house specifically created for victims of trafficking. This shelter, opened in January 2007, is located in the Oporto area and has a total capacity of 8.

Victims may also be referred to one of ACIME's 20 Local Immigrant Support Centers (CLAI) throughout the country, which provide immigrants with a decentralized place where questions can be answered, information provided, and assistance rendered. A large percentage of those assisted are provided employment and legalization status. Each CLAI has various sources of information available to immigrants, including an SOS immigrant hotline, manned by a multilingual/multi-ethnic team, a multimedia stand, and information pamphlets in three languages) Portuguese, English, and Russian. ACIME headquarters in Lisbon provides assistance to between 1,100 and 1,200 immigrants, including trafficking victims, per day, and 200 a day in the northern city of Oporto. ACIME facilities house all of these victim care services.

The government also refers victims, including children of victims, to NGOs, such as APAV and the religious orders Irmas Adoradoras and Irmas Oblatas, for protection and assistance. APAV has one shelter in Oporto and two others, in Lisbon and

the southern region of the Algarve. APAV assisted eight trafficking victims in 2006 (6 cases of forced labor and 2 cases of sexual exploitation). The Irmas Adoradoras operate six shelters across the country that take in victims of all types of violence, including trafficking victims. In order to maintain the quality of their services, these shelters are limited to a total capacity of 30, which includes victims and their children. Maximum stay is six-months but extensions are considered on a case-by-case basis.

In both the new government safe-house and the NGO shelters, victims are allowed a 30-60 day reflection period to decide whether or not they will press charges against the traffickers. Regardless of their decision, they have the

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right to a 1-year residency permit.

1B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

The government provides funding and other forms of support to foreign and domestic NGOs for services to victims. APAV receives approximately 80% of its funding from the government. The Irmas Adoradoras receive a fixed subsidy for each victim assisted, including children of victims. The Center for Women's Shelter and Orientation, run by Irmas Oblatas, receives an annual government subsidy through the Lisbon City Hall.

The GOP approved, in late 2005, an anti-trafficking training program for the congregations of the Irmas Adoradoras and the Portuguese Catholic Order for Migration (OCPM). This project is coordinated by the local IOM and co-financed through PRM FY05 funds (USD\$95,000) and ACIME (USD\$29,000). It has since trained religious personnel, primarily nuns, who deal with social prevention of trafficking and direct assistance to victims of trafficking. In the spring of 2006, Embassy Lisbon's DCM attended a ceremony for graduates of the program and awarded them training certificates.

1C. Do the government's law enforcement and social services personnel have a formal system of identifying victims of trafficking among high-risk persons with whom they come in contact (e.g. foreign persons arrested for prostitution or immigration violations)? Is there a referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

Victims who are detained, arrested or placed in protective custody by law enforcement authorities are transferred to the new government safe-house or to NGOs for short-term care. New awareness by authorities has led to substantial improvements, such as an increasing number of GNR and PSP stations with specific areas to hold and assist victims.

1D. Are the rights of victims respected, or are victims treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

According to the GNR, police officers receive training on identifying trafficking victims and are aware of the difference between trafficking victims and criminals. Victims who are initially detained are later transferred to the new safe-house, ACIME or NGOs for protection and assistance. Victims are not fined. Victims are not prosecuted for violations of other laws. Trafficking victims are typically given a period of three weeks at a government-sponsored shelter, after which they are repatriated, with IOM support.

1E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Is there a victim restitution program?

The Portuguese government, through legal services provided by ACIME, encourages victims to assist in the investigation and prosecution of trafficking. Victims may file civil suits and seek legal action against the traffickers. There is no impediment to the victims' access to such legal redress although, in some cases, fear of retaliation by trafficking mafias holds back victims from pressing charges. If a victim is a material witness in a court case against the former employer, the victim is permitted to obtain other employment or to leave the country. ACIME operates a victim restitution program that includes employment services, education programs, and access to medical, psychological, and family

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reunification services.

I.F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care, or juvenile justice detention centers)?

(See paragraph 30A)

I.G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protection and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

SEF officials and interns, as well as the police, receive periodic specialized training in how to recognize, investigate, and prosecute instances of trafficking. SEF's training of its inspector class, approximately 300 per year, includes a specific module in TIP enforcement. They are also educated in how to handle victims of trafficking, as opposed to illegal immigrants and other criminals. ACIME staff also receives similar training.

Under the national action plan, the government proposes to extend training to healthcare professionals who will be better able to recognize victims of trafficking and subsequently to refer them to the appropriate health services and counseling.

Through the placement of liaison officers in source countries, the government provides training to its embassy and consulate employees on how to protect and assist trafficking victims. It urges those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims.

I.H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

N/A (There are no reports of repatriated nationals who are victims of trafficking.)

I.I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, the lack of political will to address the problem should be noted as well.

Of the various NGOs and international organizations that work with trafficking victims, the following are the most prominent:

- I1.** The Portuguese Association for Victim Support (APAV);
- I2.** The International Organization for Migration (IOM);
- I3.** The Religious Order Irmas Adoradoras;
- I4.** The Religious Order Irmas Oblatas;
- I5.** O Ninho;
- I6.** CAIS - Social Solidarity Association

These NGOs provide protection, food, shelter, as well as medical and employment services. Local authorities provide funding and other forms of support for services to victims. For example, APAV receives approximately 80% of its funding from the government and Irmas Adoradoras receive a fixed subsidy for each victim assisted, including children of victims.

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Hoffman